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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/067,143	02/04/2002	Hidetoshi Naruki	MM4513 CON.	7316

1109 7590 01/27/2005

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NEW YORK,, NY 10020-1182

EXAMINER
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SELLERS, DANIEL R

ART UNIT	PAPER NUMBER
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2644

DATE MAILED: 01/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/067,143

**Applicant(s)**

NARUKI ET AL.

**Examiner**

Daniel R. Sellers

**Art Unit**

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 May 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 60-62 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 60-62 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☒ Certified copies of the priority documents have been received in Application No. 09/025,886.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 61 is objected to because of the following informalities: It is dependent on claim 1, which is a cancelled claim. The office interprets this to be dependent on the new preceding claim 60. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 60 and 62 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Han et al. (Han), U.S. Patent No. 5,808,923.

4. Regarding claim 60, see Han

*An audio signal processing method, comprising the steps of:*

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*converting analog audio signals of multiple channels into multiple digital data streams corresponding to the multiple channels, the multiple digital data streams having original maximum levels which are different from each other;*  
*producing level-shift control data responsive to a highest level among the original maximum levels of the multiple digital data streams;*  
*shifting levels of all the multiple digital data streams by a determined amount determined by the level-shift control data and resulting level-shifted data streams corresponding to the multiple channels;*  
*coding the level-shifted data streams and the level-shift control data to produce a packed data stream to be recorded on a recording medium; and*  
*modulating the packed data of the level-shifted data streams and the level-shift control data to produce a modulated signal to be recorded on the recording medium.*

Han teaches all these features as the prior art of his invention, which is a faster method of denormalizing the audio content (Col. 1, lines 19-31). It is inherent in the encoding process, which Han teaches as prior art, includes converting analog audio to digital data. The encoding process created level-shift control data that is now stored in the packed data stream's header information. Modulation, by definition, occurs in the process of normalizing the data, and it is further inherent that the data is stored on a recording medium for later use.

5. Regarding claim 62, see the preceding argument with respect to claim 60. Han teaches a denormalizing method, which decodes MPEG-2 layer 1 and 2 multi-channel audio. Han teaches these features.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. Claim 61 is rejected under 35 U.S.C. 103(a) as being unpatentable over Han as applied to claim 60 above, and further in view of Doi et al. (Doi), U.S. Patent No.

4,644,546.

8. Regarding claim 61, Doi teaches a method of digital signal transmission. Doi teaches that error-correction data is sent along with the pulse code modulated (PCM) audio data (Col. 1, lines 13-30). This error-correction data is used to adjust the sound quality in the presence of a noisy communication channel. Doi does not teach that level-shift data is sent, however he teaches that other useful data might be sent. Han teaches a method for reducing computations in the process of denormalizing packed audio data. Han does not teach of information for controlling the sound quality. It would have been obvious for one of ordinary skill in the art to combine the teachings of Han with Doi for the purpose of better sound quality in a noisy environment.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel R. Sellers whose telephone number is 703-605-4300. The examiner can normally be reached on Monday to Friday between 9am and 5:30pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huyen Le can be reached on 703-305-4844. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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PRIMARY EXAMINER